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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,734	03/08/2004	Hiroataka Kobayashi	848075/0075	1792
29619 7590 08/09/2007 SCHULTE ROTH & ZABEL LLP ATTN: JOEL E. LUTZKER 919 THIRD AVENUE NEW YORK, NY 10022			EXAMINER HENDERSON, ADAM	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/796,734

Applicant(s)

KOBAYASHI, HIROTAKA

Examiner

Adam L. Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. Figures 8A-9B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 8, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 7 and 14 recite the limitation "said lens" in line two of each. There is insufficient antecedent basis for this limitation in the claim.

5. Claims 8 and 15 recite the limitation "said lens cover" in lines 2 and 3 of each. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuke et al. (US Patent 6,011,929).

8. With regard to claim 1 Fuke et al. disclose a flash unit comprising:

a light emitting element (flash discharge tube 3); and

a light condensing plate , comprising:

a light dispersing surface (diffusion controlling portion 6, FIG. 2A) on a side of the light condensing plate facing the light emitting element to equalize intensity of light emitted from the light emitting element; and a convexo-concave surface (condensation controlling portion 7, FIG. 2A, column 6 lines 33-43) on the other side of the light condensing plate for condensing light emitted from the light emitting element.

9. With regard to claim 2 Fuke et al. disclose the flash unit according to claim 1 further comprising a guide (reflector 2, FIG. 2A) disposed between the light emitting element and the light condensing plate for preventing the light emitted from the light emitting element from dispersing.

***Claim Rejections - 35 USC § 103***

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 5-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuke et al. (US Patent 6,011,929) in view of Fumio et al. (US 2002/0089601 A1).

12. Claim 3 is rejected under the same analysis as claim 1, however Fuke et al. fail to disclose a camera module.

Fumio et al. disclose a camera (FIG. 6) with a flash module (strobe light 9, FIG. 4).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the flash unit of Fuke et al. to be the flash module of Fumio et al. in order to prevent the uneven light distribution from the flash unit (Fuke et al, abstract).

13. With regard to claim 5 Fumio discloses the camera device according to claim 3 wherein the light condensing plate is unitarily formed with a lens cover (lens cover 8, FIG. 4) of the camera module.

14. Claim 6 is rejected under the same analysis as claim 2.

15. With regard to claim 7 Fumio discloses the camera device according to claim 6 wherein a thickest dimension T of a plate area between the light condensing plate and said lens is  $T \leq 1.0$  mm (FIG. 4) [when the lens cover 8 is closed the condensing plate of the flash device is going to be directly adjacent to the lens system 6, thus having a distance  $T \leq 1.0$  mm].

16. With regard to claim 8 Fumio et al. disclose the camera device according to claim 6 wherein a thickest dimension T of a plate area between the light condensing plate and said lens cover is  $T \leq 1.0$  mm (FIG. 4) [the condensing plate is a part of the lens cover 8, thus there is no distance between them].

17. With regard to claim 9 Fumio discloses the camera device according to claim 7 wherein the light emitting element is disposed lower than said lens of the camera module with reference to a surface of a board to which the camera module is attached [depending on how the camera is held will determine if the flash unit is lower than camera module].

18. Claim 10 is rejected under the same analysis as claim 3.

19. Claim 11 is rejected under the same analysis as claim 2,

20. Claim 13 is rejected under the same analysis as claim 5.

21. Claim 14 is rejected under the same analysis as claim 7.

22. Claim 15 is rejected under the same analysis as claim 8.

23. Claim 16 is rejected under the same analysis as claim 9.

24. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuke et al. (US Patent 6,011,929) in view of Fumio et al. (US 2002/0089601 A1) as applied to claims 3 and 10 above, and further in view of Kobayashi (US Patent 6,823,198).

25. With regard to claims 4 and 12 Fuke et and Fumio et al. disclose the camera device according to claims 3 and 10 but fail to disclose wherein the light condensing plate is unitarily formed with a lens of the camera module.

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Kobayashi discloses wherein the light condensing plate (protector 30, FIG. 1) is unitarily formed with a lens (taking lens 20, FIG. 1) of the camera module [the flash device and the camera module are unitarily part of the portable phone 10].

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the camera device of Fuke et al. and Fumio et al. to include the unitary lens and condensing plate as taught by Kobayashi in order to eliminate moving parts since moving part would more easily break. Thus having everything formed unitarily, as a single object would reduce the likelihood of breakage due to moving parts.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Henderson whose telephone number is 571-272-8619. The examiner can normally be reached on Monday-Friday, 7am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALH  
5 August 2007

  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER